

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CASSANDRA MATTHEWS

v.

**UNITED ROAD SERVICES, INC. AND
JOHN DOE**

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**CIVIL ACTION NO. 471-03130-2021
JURY DEMAND**

DEFENDANT’S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **UNITED ROAD SERVICES, INC.**, Defendant in the above matter, and files this Notice of Removal under 28 U.S.C. §§ 1441 and 1332(a).

**I.
BACKGROUND**

1. Plaintiff sued **UNITED ROAD SERVICES, INC.** in the 471st District Court of Collin County, Texas, Cause No. 471-03130-2021, alleging the negligence of Defendant **UNITED ROAD SERVICES, INC.** and **JOHN DOE**.

2. Defendant **UNITED ROAD SERVICES, INC.** was served on or about July 7, 2022. Defendant has filed this Notice of Removal within the time period required. 28 U.S.C. §1446(b).

3. Plaintiff Cassandra Matthews is a resident of Texas and domiciled in Collin County, Texas.

4. Defendant **UNITED ROAD SERVICES, INC.** is incorporated in the State of Delaware with its principal place of business in Michigan.

5. Plaintiff's Original Petition, filed contemporaneously herewith, seeks "monetary relief in an amount over \$1,000,000."

II.

BASIS FOR REMOVAL

6. Removal is proper under 28 U.S.C. § 1332(a) because Plaintiff's suit is a civil action in which this Court has original jurisdiction over the parties, based upon diversity jurisdiction under 28 U.S.C. § 1332. This action is removable to this Court pursuant to the provisions of 28 U.S.C. §1441(b) because Plaintiff is a citizen of the State of Texas, and Defendant United Road Services, Inc. is a Delaware corporation with its principal place of business in Michigan.

7. As noted above, Plaintiff is, and was at the time this lawsuit was filed, a resident of the State of Texas. *See* Plaintiff's Original Petition, Paragraph 2. On information and belief, Plaintiff intends to continue residing in Texas and is thus domiciled in Texas. *See Hollinger v. Home State Mut. Ins. Co.*, 654 F.3d 564, 571 (5th Cir. 2011) (evidence of a person's place of residence is prima facie proof of his state of domicile, which presumptively continues unless rebutted with sufficient evidence of change).

8. For diversity purposes, a person is considered a citizen of the state where that person is domiciled. Additionally, for diversity purposes, a corporation is a citizen of both the state in which it was incorporated and the state in which it has its principal place of business. 28 U.S.C. §1332(c)(1). For Defendant, this test implicates the State of Delaware and the State of Michigan.

9. Because the Plaintiff and the Defendant to this suit do not share citizenship in any state, removal is proper on diversity grounds.

10. Accordingly, because this notice of removal has been filed within thirty days after the receipt of a copy of the initial pleading setting forth the claim for relief, this removal is proper and timely under 28 U.S.C. §1446(b).

11. Further, as set forth in Plaintiff's Original Petition, filed with these pleadings here today, the amount in controversy in this action exceeds, exclusive of interest and costs, the sum of \$1,000,000. Thus, the amount in controversy meets the threshold for removal.

12. The United States District Court for the Eastern District of Texas, Sherman Division, embraces Collin County, Texas, the place where the state court action was filed and is pending. This statement is not meant as a waiver of any argument that venue is improper in the location in which the state court action was filed, but merely demonstrates the propriety of removing the action to this federal judicial district.

13. All pleadings, process, orders, served upon Defendant or issued by the state court are attached to this Notice as Exhibit "A" as required by 28 U.S.C. § 1446(a). No other motions are pending before the state court.

14. Defendant will promptly file a copy of this Notice with the clerk of the state court in which the action is pending.

III. **REQUEST FOR JURY TRIAL**

22. Defendant hereby demands a trial by jury in accordance with the provisions of FED. R. CIV. P. 38.

WHEREFORE, PREMISES CONSIDERED, **UNITED ROAD SERVICES, INC.**, as party in diversity with the Plaintiff, respectfully request that this action be immediately and entirely removed upon filing of this Notice of Removal to the United States District Court for the

Eastern District of Texas, Sherman Division, and for such other and further relief to which it may show itself to be justly entitled in equity or law.

Respectfully submitted,

FEE, SMITH & SHARP, LLP

/s/ Michael P. Sharp

MICHAEL P. SHARP

State Bar No. 00788857

msharp@feesmith.com

BRETT D. TIMMONS

State Bar No. 24013637

btimmons@feesmith.com

Three Galleria Tower

13155 Noel Road, Suite 1000

Dallas, Texas 75240

(972) 934-9100 Telephone

(972) 934-9200 Facsimile

**ATTORNEYS FOR DEFENDANT
UNITED ROAD SERVICES, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 3, 2022, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Eastern District of Texas – Sherman Division, using the electronic case filing system of the Court. The electronic filing system sent a “Notice of Electronic Filing” to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means as follows:

Via E-File: cdavis@davisinjury.com

Christina Davis

Davis Law Office, PC

5605 FM 423, Suite 500-327

Frisco, TX 75034

/s/ Michael P. Sharp

MICHAEL P. SHARP

CAUSE NO. 471-03130-2021

CASSANDRA MATTHEWS,		IN THE DISTRICT COURT
PLAINTIFF;	§	
	§	
vs.	§	COLLIN COUNTY
	§	
UNITED ROAD SERVICES, INC	§	
AND JOHN DOE,	§	_____JUDICIAL DISTRICT
DEFENDANTS.	§	

ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, CASSANDRA MATTHEWS hereinafter called Plaintiff, complaining of and about UNITED ROAD SERVICES AND JOHN DOE, hereinafter called Defendants, and for cause of action would show unto the Court the following:

DISCOVERY CONTROL PLAN

I.

Plaintiffs request discovery to be conducted under Level 2 of the Discovery Control Plan, pursuant to Rule 190.3 of the Texas Rules of Civil Procedure.

REQUIRED DISCLOSURES

II.

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Plaintiff requests Defendant disclose within thirty (30) days of filing their answers, the information and material described in Rule 194.2(b) of the Texas Rules of Civil Procedure.

JURISDICTION AND VENUE

III.

This court has jurisdiction over the Defendants because the collision giving rise to this cause of action occurred in Collin County, and the Plaintiff seeks damages in an amount within the Jurisdiction of this Court. Venue is proper in Collin County, Texas because the event giving rise to the claim occurred in Collin County, Texas.

PARTIES AND SERVICE

IV.

Plaintiff Cassandra Matthews is an individual residing at 2020 Florence Way #4303, Anna, Texas 75049.

Defendant United Road Services is a trucking company with trucks that travel through Collin County. United Road Services can be served by and through their registered agent Corporation Service Company, 800 Brazos Austin, Texas 78701.

Defendant John Doe is a driver for United Road Services. His name and address are currently unknown.

FACTS

V.

On or about September 10, 2019 Cassandra Matthews was driving northbound on US Highway 75. As she approached the 6900 Block of US Highway 75, Ms. Matthews had to brake hard due to slow traffic. Ms. Matthews noticed an 18 wheeler -like truck behind her that was flying at her. When she stopped she noticed the large truck was not slowing down. She feared for her life, and made a life saving decision to swerve into the lane next to her. When she swerved she hit the car next to her, but the 18 wheeler was able to swerve just enough in the opposite direction to miss her.

The 18 wheeler sped off without stopping, but witnesses got a picture of its license plate and provided it to the police. Defendant United Road Services, Inc. was the owner of the 18 wheeler.

Cassandra Matthews sustained injuries in the accident.

NEGLIGENCE

VI.

The collision and Plaintiff's injuries suffered by reason thereof were proximately caused by Defendant United Road Services, Inc. and John Doe's negligent, careless, and reckless disregard of duty which consisted of, but is not limited to, the following acts and omissions:

1. In that Defendant United Road Services, Inc. failed to keep a proper lookout for the safety of Plaintiff that would have been maintained by a trucking company of ordinary prudence under the same or similar circumstances;
2. In that Defendant United Road Services is responsible as respondent superior for the actions of their employees including John Doe;
3. In that John Doe failed to keep proper management and control of his vehicle as a person of ordinary prudence would have kept under the same or similar circumstances;

4. In that Defendant's John Doe failed to keep a proper lookout for the safety of Plaintiff that would have been maintained by a person of ordinary prudence under the same or similar circumstances;
5. In that Defendant John Doe failed to control his speed;
6. In that Defendant fled the scene after the accident.

DAMAGES

VIII.

As a direct and proximate result of the occurrence made the basis of this lawsuit, Defendants together and separately caused a collision that resulted in the damages to Plaintiff. Plaintiff incurred significant medical expense (past and future), endured pain and suffering (past and future), physical disfigurement (past and future) and serious mental anguish (past and future), and property damage as a result of this motor vehicle accident.

By reason of all of the above, Plaintiff suffered losses and damages in a sum within the jurisdictional limits of the Court and for which this lawsuit is brought. Plaintiff's injury resulted from Defendants' gross negligence, malice or actual fraud which entitles Plaintiff to Exemplary Damages under Texas Civil Practice & Remedies Code section 41.003(A). Plaintiffs seek monetary relief in an amount over \$1,000,000.

PRAYER

IX.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully pray the Defendants be cited to appear and answer herein, and that upon a final trial and/or hearing of the cause, judgment be entered for the Plaintiff against the Defendants for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the highest legal rate allowed, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

Davis Law Office, PC

/s/ Christina Davis

Christina Davis

SBN: 24060716

CDavis@DavisInjury.com

5605 FM 423 Suite 500-327

Frisco, Texas 75034

Tel.: 817.829.5010

Fax: 469.535.3023

ATTORNEY FOR PLAINTIFF

THE STATE OF TEXAS
CIVIL CITATION
CASE NO.471-03130-2021

Cassandra Matthews, Plaintiff, vs. United Road Services,
Inc. And John Doe, Defendants.

In the 471st District Court
Of Collin County, Texas

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org."

TO: United Road Services, Inc.
Registered Agent Corporation Service Company
800 Brazos
Austin TX 78701, Defendant

GREETINGS: You are commanded to appear by filing a written answer to **Original Petition** at or before ten o'clock A.M. on the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 471st District Court of Collin County, Texas at the Courthouse of said County in McKinney, Texas.

Said Plaintiff's Petition was filed in said court, by Christina Davis 5605 FM 423 Suite 500-327 Frisco TX 75034 (Attorney for Plaintiff or Plaintiffs), on June 14, 2021, in this case, numbered 471-03130-2021 on the docket of said court.

The nature of Plaintiff's demand is fully shown by a true and correct copy of **Original Petition** accompanying this citation and made a part hereof.

Issued and given under my hand and seal of said Court at McKinney, Texas, on this the 14th day of June, 2021.

ATTEST: Lynne Finley, District Clerk
Collin County, Texas
Collin County Courthouse
2100 Bloomdale Road
McKinney, Texas 75071
972-548-4320, Metro 972-424-1460 ext. 4320



By: Claudia Gomez, Deputy
Claudia Gomez

The law prohibits the Judge and the clerks from giving legal advice, so please do not seek legal advice. Any questions you have should be directed to an attorney.

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 54399696

Status as of 6/14/2021 4:23 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Christina Davis		CDavis@DavisInjury.com	6/14/2021 4:22:16 PM	SENT

CAUSE NO. 471-03130-2021

CASSANDRA MATTHEWS,	§	IN THE DISTRICT COURT
PLAINTIFF;	§	
	§	
vs.	§	
	§	COLLIN COUNTY
UNITED ROAD SERVICES, INC AND	§	
JOHN DOE,	§	
DEFENDANTS	§	471ST JUDICIAL DISTRICT
	§	

MOTION FOR ALTERNATIVE SERVICE

This Motion for Alternative Service is brought by CASSANDRA MATTHEWS, Plaintiff, who shows in support:

1. Defendant United Road Services, INC is a corporation doing business in Texas, but is not registered in Texas. Although United Road Services, INC is not registered in Texas, they designate Corporation Service Company at 800 Brazos Austin, Texas 78701 as their Registered Agent. (*see Exhibit A*)

2. Service on United Road Services, INC was perfected by serving their registered agent, Corporation Service Company at 2:24 pm on June 17, 2021. Service was accepted by authorized agent Samantha Guerra. (see Exhibit B)

3. Corporation Service Company has rejected service of process stating “the party served is not qualified to do business in the jurisdiction served”. (See Exhibit C)

4. Although Plaintiff believes Defendant has been properly severed, at this time Plaintiff is requesting service on the Secretary of State. Plaintiff request authorization to serve the Secretary of State by certified mail at PO Box 12079 Austin, Texas 78711-2079

Respectfully submitted,

Davis Law Office, PC

/s/ *Christina Davis*

Christina Davis

SBN: 24060716

CDavis@DavisInjury.com

5605 FM 423 Suite 500-327

Frisco, Texas 75034

Tel.: 817.829.5010

Fax: 469.535.3023

ATTORNEY FOR PLAINTIFF

EXHIBIT A



Q Taxable Entity

1 matches found for the search string

If you have questions about the search

Results

View Details	Name
Details	UNITED ROAD SERVICE

Franchise Tax Details



Franchise Search Results

Public Information Report



As of : 10/01/2021 16:37:50

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

[Obtain a certification](#) for filings with the Secretary of State.

UNITED ROAD SERVICES INC	
Texas Taxpayer Number	19432784551
Mailing Address	10701 MIDDLEBELT RD ROMULUS, MI 48174-2714
Right to Transact Business in Texas	NOT ESTABLISHED
State of Formation	DE
Effective SOS Registration Date	Not Registered
Texas SOS File Number	Not Registered
Registered Agent Name	CORPORATION SERVICE COMPANY
Registered Office Street Address	800 BRAZOS AUSTIN, TX 78701

Close

Zip
48174

Texas Comptroller of Public Accounts
Glenn Hegar

- Home
- Contact Us

POLICIES

- Privacy and Security Policy
- Accessibility Policy
- Link Policy
- Public Information Act
- Compact with Texans
- Commonly Used Web Browsers

OTHER STATE SITES

- [texas.gov](#)
- [Texas Records and Information Locator \(TRAIL\)](#)
- [State Link Policy](#)
- [Texas Veterans Portal](#)

EXHIBIT B

CAUSE NO. 471-03130-2021

Cassandra Matthews	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
VS.	§	471ST DISTRICT COURT
	§	
United Road Services	§	
Defendant.	§	COLLIN COUNTY, TEXAS

AFFIDAVIT OF SERVICE

"The following came to hand on Jun 17, 2021, 12:00 pm,

CITATION; ORIGINAL PETITION,

and was executed at 211 E 7th St Suite 620 , Austin, TX 78701 within the county of Travis at 02:24 PM on Thu, Jun 17 2021, by delivering a true copy to the within named

UNITED ROAD SERVICES BY SERVING ITS REGISTERED AGENT CORPORATION SERVICE COMPANY ACCEPTED BY
AUTHORIZED AGENT SAMANTHA GUERRA

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is **Corin Johnson**, my date of birth is **2/5/1983**, and my address is **500 E. 4th St. #143, Austin, TX 78701** , and **United States of America**. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of TX, on June 17, 2021.



Corin Johnson
Certification Number: PSC-5625
Certification Expiration: 9/30/2022

EXHIBIT C



JWG
Transmittal Number: 23372779

Rejection of Service of Process

Return to Sender Information:

Christina Davis null
Davis Law Office, PC
5605 FM 423 Suite 500-327
Frisco, TX 75034

Date:	06/21/2021
Party Served:	United Road Services, Inc.
Title of Action:	Cassandra Matthews vs. United Road Services, Inc
Case/Reference No:	471-03130-2021

The service of process received for the party served, as listed above, cannot be forwarded to the intended party for the reason listed below:

According to the Secretary of State or other appropriate state agency, the party served is not qualified to do business in the jurisdiction served. CSC is only authorized to receive service of process on behalf of entities that specifically name it as registered/statutory agent within the jurisdiction where service of process occurs. Please review the records at the Secretary of State or other appropriate state agency to identify the proper name within the jurisdiction for the entity you are trying to serve.

Our customer records are confidential. We do not release any information related to our customers, agent representation or service of process received. Please contact the Secretary of State or other appropriate agency for more information.

For an electronic copy of the identified service, send your request by e-mail to sop@cscglobal.com. Please include the transmittal number located in the upper right-hand corner of this letter.

251 Little Falls Drive, Wilmington, Delaware 19808-1674
(888) 690-2882 | sop@cscglobal.com

Automated Certificate of eService

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Christina Davis
Bar No. 24060716
CDavis@DavisInjury.com
Envelope ID: 64430511
Status as of 5/12/2022 9:09 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Christina Davis		CDavis@DavisInjury.com	5/12/2022 9:04:42 AM	SENT

Filed: 5/17/2022 6:01 PM
 Lynne Finley
 District Clerk
 Collin County, Texas
 By Amy Mathis Deputy
 Envelope ID: 64423679

CAUSE NO. 471-03130-2021

CASSANDRA MATTHEWS,
 PLAINTIFF;

vs.

UNITED ROAD SERVICES, INC AND
 JOHN DOE,
 DEFENDANTS

§
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IN THE DISTRICT COURT

COLLIN COUNTY

471ST JUDICIAL DISTRICT

Order on Motion for Alternative Service

On May 26, 2022 the Court considered the Motion for Alternative Service of Plaintiff and ORDERS that service on *UNITED ROAD SERVICES, INC* be effected by serving the Secretary of State by Certified Mail at PO Box 12079 Austin, Texas 78711-2079 by mailing a copy of the citation with pleadings attached.

Proof of service shall be made by the person executing the return, stating when the citation was served, on whom it was served, and where it was served.

SIGNED on 5/26/2022.


 JUDGE PRESIDING

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Christina Davis
Bar No. 24060716
CDavis@DavisInjury.com
Envelope ID: 64423679
Status as of 5/26/2022 12:39 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Christina Davis		CDavis@DavisInjury.com	5/11/2022 6:01:40 PM	SENT

Filed: 5/31/2022 4:00 PM
Lynne Finley
District Clerk
Collin County, Texas
By Amy Mathis Deputy
Envelope ID: 64992953

471-03130-2021



Christina Davis
CDavis@DavisInjury.com
(817)829.5010

5605 FM 423 #500-327
Frisco, Texas 75034
Fax (469)535.3023
DavisInjury.com

Tim Davis
TDavis@DavisInjury.com
(469)500-4567

May 31, 2022

471st Judicial District Court
Attn: Clerk
Via Efile

**RE: Cause No. 471-03130-2021;
Cassandra Matthews v. United Road Services, Inc and John Doe**

Dear Clerk,

Judge Bouressa has signed an Order for Alternative Service. United Road Services Inc. will be effected through the Secretary of State. As such, please issue new citation with service as follows:

United Road Services, Inc.
Service of Process
Texas Secretary of State
PO Box 12079
Austin, Texas 78711-2079

Thank you for your assistance with this matter. Please contact me with any questions or concerns.

Sincerely,

Christina Davis

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Christina Davis
Bar No. 24060716
CDavis@DavisInjury.com
Envelope ID: 64992953
Status as of 6/1/2022 11:25 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Christina Davis		CDavis@DavisInjury.com	5/31/2022 4:00:27 PM	SENT

Filed: 7/12/2022 11:02 AM
Lynne Finley
District Clerk
Collin County, Texas
By Kathy Richardson Deputy
Envelope ID: 66227577



Christina Davis
CDavis@DavisInjury.com
(817)829.5010

5605 FM 423 #500-327
Frisco, Texas 75034
Fax (469)535.3023
DavisInjury.com

Tim Davis
TDavis@DavisInjury.com
(469)500-4567

July 12, 2022

471st Judicial District Court
Attn: Judge Bouressa
Via E-file

RE: Cause No. 471-03130-2021;
Cassandra Matthews v. United Road Services, Inc and John Doe

Dear Judge Bouressa,

At this time we are requesting this case be removed from the Dismissal Docket to allow time for the Secretary of State to complete service.

Per Plaintiff's Motion for Alternative Service, Plaintiff believes Defendant was properly served on June 17, 2021. Defendant's Registered agent has rejected service. As such, Plaintiff filed a Motion for Alternate Service on May 12, 2022. The Motion was granted on May 26, 2022 and a new citation was issued June 1, 2022. The Secretary of State was served by Certified Mail on June 6, 2022. The Return Receipt is stamped June 7, 2022.

This morning I spoke with the Service of Process Team in the Secretary of State's office and was informed they are extremely backed up. The Secretary of State mailed service of process to Defendant on July 5, 2022. The Secretary of State allows 60 days for the Defendant to respond before issuing return of service. As such, return of service will most likely not be available until early September.

Plaintiff is happy to file a Motion for Default Judgment and set it for hearing, however, I do not believe this is a proper remedy until we have proof of service. As such, we are requesting to be removed from the Dismissal Docket to allow time for the Secretary of State to complete service.

Sincerely,

/s/ Christina Davis

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Christina Davis
Bar No. 24060716
CDavis@DavisInjury.com
Envelope ID: 66227577
Status as of 7/12/2022 11:39 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Christina Davis		CDavis@DavisInjury.com	7/12/2022 11:02:28 AM	SENT

CAUSE NO. 471-03130-2021

CASSANDRA MATTHEWS,	§	IN THE DISTRICT COURT
PLAINTIFF;	§	
	§	
vs.	§	
	§	COLLIN COUNTY
UNITED ROAD SERVICES, INC AND	§	
JOHN DOE,	§	
DEFENDANTS	§	471ST JUDICIAL DISTRICT
	§	

PLAINTIFF'S MOTION TO BE REMOVED FROM DISMISSAL DOCKET

This Motion to be removed from the Dismissal Docket is brought by CASSANDRA MATTHEWS, Plaintiff, who shows in support:

1. Plaintiff moves to be removed from the Dismissal Docket to allow time for the Secretary of State to complete Service of Process.
2. Plaintiff believes Defendant United Road Services, Inc was properly served on June 17, 2021, however Defendant's Registered Agent has rejected service.
3. Plaintiff filed her Motion for Alternate Service May 12, 2022. The Motion was granted May 26, 2022 and a new citation was issued June 1, 2022. The Secretary of State was served by Certified Mail on June 6, 2022. The Return Receipt is stamped June 7, 2022.
4. Plaintiff's counsel spoke with the Service of Process Team in the Secretary of State's office and was informed they are extremely backed up. The Secretary of State mailed service of process to Defendant on July 5, 2022. The Secretary of State allows 60 days for the Defendant to respond before issuing return of service. Return of service will most likely not be available until early September.

For these reasons, Plaintiff prays the Court Removes this case from the Dismissal Docket for 90 days to allow for the Secretary of State to complete service.

Respectfully submitted,

Davis Law Office, PC

/s/ *Christina Davis*

Christina Davis

SBN: 24060716

CDavis@DavisInjury.com

5605 FM 423 Suite 500-327

Frisco, Texas 75034

Tel.: 817.829.5010

Fax: 469.535.3023

ATTORNEY FOR PLAINTIFF

Automated Certificate of eService

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Christina Davis
Bar No. 24060716
CDavis@DavisInjury.com
Envelope ID: 66312917
Status as of 7/14/2022 10:37 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Christina Davis		CDavis@DavisInjury.com	7/14/2022 10:27:33 AM	SENT

URT.15396

CAUSE NO. 471-03130-2021

CASSANDRA MATTHEWS

V.

**UNITED ROAD SERVICES, INC.
AND JOHN DOE**

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IN THE DISTRICT COURT

471st JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW **UNITED ROAD SERVICES, INC.**, Defendant named in the above entitled and numbered cause, and files this its Original Answer, and for same would respectfully show unto the Court as follows:

I.

GENERAL DENIAL

1. Defendant denies each and every, all and singular, the material allegations contained within Plaintiffs' pleadings and demands strict proof thereof.

II.

NOTICE OF SELF-AUTHENTICATION

2. In accordance with Rule 193.7 of the Texas Rules of Civil Procedure, Defendant hereby provides written notice that it intends to use self-authenticated documents against Plaintiff at any future pretrial proceeding, trial, or appeal in this matter.

III.

AFFIRMATIVE DEFENSES

3. Defendant hereby asserts the following affirmative defenses and would show that the damages, or liabilities of which Plaintiff complains, if any exist, are the result, in whole or in part, of the following:

- a. **Paid or Incurred Medical Expenses:** Defendant would further show that the medical expenses Plaintiff seeks to recover should be limited to those actually paid or incurred by or on behalf of the Plaintiff pursuant to Texas Civil Practice & Remedies Code §41.0105.
- b. **Pre-judgment Interest:** Defendant further alleges that Plaintiff's claims for pre-judgment interest are limited by the damages and amounts set forth in Chapter 304 of the Texas Finance Code and Chapter 41 of the Texas Civil Practice and Remedies Code, as applicable to this.
- c. **Comparative Responsibility:** Defendant would show that the damages, or liabilities of which Plaintiff complains are the result, in whole or in part, of the negligence and/or negligence per se of Plaintiff. Defendant further asserts that Plaintiff was negligent in failing to maintain a proper lookout for her own safety. Furthermore, Defendant would show that the condition in question, if any existed, was an open and obvious condition which was not concealed or hidden in any manner.
- d. **Pre-existing Conditions:** Defendant would further show that any injuries, damages, or liabilities complained of by Plaintiff herein are the result, in whole or in part, of pre-existing conditions, injuries, diseases, and disabilities and not the result of any act or omission on the part of any defendants.
- e. **Subsequent Conditions:** Defendant would further show that any injuries, damages, or liabilities complained of by Plaintiff herein are the result, in whole or in part, of subsequent

conditions, injuries, diseases, and disabilities and not the result of any act or omission on the part of any Defendant.

IV.

JURY DEMAND

In accordance with Rule 216 of the Texas Rules of Civil Procedure, Defendant demands a trial by jury. A jury fee has been paid on behalf of Defendant.

V.

DESIGNATED EMAIL ADDRESS FOR SERVICE

For this matter, the following is the undersigned attorneys' designation of electronic service email addresses, for all electronically served documents and notices, filed or service only, pursuant to Tex. R. Civ. P. 21(f)(2) and 21(a):

Michael P. Sharp – msharp@feesmith.com
Brett D. Timmons – btimmons@feesmith.com
Tracey Fulkersin – tfulkersin@feesmith.com

Service through any other email address will be considered invalid, unless notified by the aforementioned individuals.

WHEREFORE, PREMISES CONSIDERED, Defendant **UNTIED ROAD SERVICES, INC.** prays that the Plaintiff take nothing by this suit, that Defendant go hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

FEE, SMITH & SHARP, LLP

/s/ Michael P. Sharp

MICHAEL P. SHARP

State Bar No. 00788857

msharp@feesmith.com

BRETT D. TIMMONS

State Bar No. 24013637

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Three Galleria Tower

13155 Noel Road, Suite 1000

Dallas, Texas 75240

(972) 934-9100 Telephone

(972) 934-9200 Facsimile

**ATTORNEYS FOR DEFENDANT
UNITED ROAD SERVICES, INC.**

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, e-served, telecopied or hand delivered to all attorneys of record in this cause of action on July 29, 2022.

Via E-File: cdavis@davisinjury.com

Christina Davis

Davis Law Office, PC

5605 FM 423, Suite 500-327

Frisco, TX 75034

/s/ Brett D. Timmons

BRETT D. TIMMONS

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Tracey Fulkersin on behalf of Brett Timmons

Bar No. 24013637

tfulkersin@feesmith.com

Envelope ID: 66809869

Status as of 7/29/2022 4:14 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Christina Davis		CDavis@DavisInjury.com	7/29/2022 2:37:34 PM	SENT
Tracey Fulkersin		tfulkersin@feesmith.com	7/29/2022 2:37:34 PM	SENT

Automated Certificate of eService

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Tracey Fulkersin on behalf of Brett Timmons

Bar No. 24013637

tfulkersin@feesmith.com

Envelope ID: 66809869

Status as of 7/29/2022 4:14 PM CST

Associated Case Party: United Road Services, Inc.

Name	BarNumber	Email	TimestampSubmitted	Status
Michael P.Sharp		msharp@feesmith.com	7/29/2022 2:37:34 PM	SENT
Brett Timmons		btimmons@feesmith.com	7/29/2022 2:37:34 PM	SENT